

JAMES NATHANIEL DOUSE,)
)
 Plaintiff,)
)
 v.) **NO. 3:20-00277**
)
 NEAL COMMUNITIES OF)
 SOUTHWEST FLORIDA, INC.,)
)
 Defendant.)

Magistrate Judge Holmes has entered a Report and Recommendation (“R&R”) (Doc. No. 18) in which she recommends that Defendant’s Motion to Dismiss (Doc. No. 12) be denied without prejudice and that, in lieu of dismissal, the case be transferred to the Middle District of Florida where it could have been brought. Plaintiff has filed two Objections to the R&R (Doc. No. 19), neither of which is persuasive.

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Magistrate Judge Holmes' R&R should be accepted. Fed. R. Civ. P. 73(b)(3).

Second, Plaintiff asserts he "is NOT [a] Resident of the State of Florida." (Doc. No. 19 at 2). That may be true, but his residency was never in issue. Rather, the questions addressed by Magistrate Judge Holmes were whether (1) Defendant was subject to personal jurisdiction because it had "certain minimum contacts with [Tennessee] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice,'" International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945), and (2) venue was proper under 28 U.S.C. § 1391(b) because Defendant resides here, the events giving rise to the claims occurred in the district, or the property in dispute is in this district. Based upon the record before the Court, the obvious answer to all of these question is no.

Plaintiff may reside in Tennessee, but the events about which he complains relate to his attempt to purchase a house in Parrish, Florida from Neal Communities of Southwest Florida, a Florida corporation. The Court does not have personal jurisdiction over Neal Communities, nor is venue proper in this Court. As Magistrate Judge Homes aptly observed:


Plaintiff does not appear to have a firm grasp on the issue of where his lawsuit should have been filed or the difference between meeting diversity jurisdiction requirements and establishing both venue and personal jurisdiction. Plaintiff has not come close to establishing either that this Court has personal jurisdiction over Defendant or that venue over the case exists in this Court. He offers no support for the assertion in his complaint that a substantial part of the events at issue in this case occurred in the Middle District of Tennessee.

(Doc. No. 18 at 4).

Accordingly, the R&R (Doc. No. 18) is **ACCEPTED** and **APPROVED** and Plaintiff's Objections thereto (Doc. No. 19) are **OVERRULED**. Defendant's Motion to Dismiss (Doc. No. 12) is **DENIED WITHOUT PREJUDICE** and this case is hereby **TRANSFERRED** to the United

States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE